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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Swaziland

1. The Committee considered the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Swaziland, submitted in one document (CERD/C/299/Add.2), at its 1209th meeting held on 19 March 1997 (see CERD/C/SR.1209). At its 1213rd meeting, held on 21 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee notes with satisfaction the submission of the report by the State party and the readiness of the Government of Swaziland to resume, after a break of 20 years, a dialogue with the Committee. It regrets that the report under consideration, which combined the fourth to fourteenth reports, has not been prepared in accordance with the Committee's general guidelines and contains insufficient information on the actual implementation of the Convention by the State party. However, the information provided by the delegation of the State party in the course of the oral presentation of the report allowed the Committee to have a more comprehensive view of the overall situation in the country and of the implementation of the Convention. The Committee, having noted that a core document has not been submitted by the Government of Swaziland, draws the attention of the State party to the guidelines for the preparation of that document (HRI/CORE/1).

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of such declaration be considered.

B. Positive aspects

4. Appreciation is expressed with regard to the commitment of the Government of Swaziland to combat racial discrimination and hatred and the efforts made by the State party to comply with the provisions of the Convention, particularly through the adoption of appropriate legislation such as the Race Relations Act 6/1962, the Employment Act of 1980 (sect. 29), the Citizenship Act of 1992 amending the 1982 Citizenship Act which, as had been alleged, had discriminatory aspects. It is also noted with interest that the State party is considering the modification of the Race Relations Act 6/1962 in order to address relevant issues raised by the Convention.

C. Principal subjects of concern

5. The report of the State party does not provide sufficient information with respect to the practical implementation of articles 2, 3 and 6 of the Convention.

6. Concern is expressed at the failure to adopt legislative, administrative and other measures implementing fully the provisions of the Convention contained in article 4, article 5, in particular paragraphs (d) (i) and (e), and article 7. In that connection, it is noted that the Race Relations Act adopted in 1962, prior to the Convention's coming into force, adopted a narrower approach to the definition of the term "racial discrimination", as it speaks only of discrimination based on race and colour.

D. Suggestions and recommendations

7. The Committee, having recalled that the report under consideration did not follow the Committee's guidelines for the preparation of reports had been submitted after a delay of 20 years, requests the State party to comply fully with the reporting obligations under article 9 of the Convention and to ensure that the next report be prepared in accordance with the general guidelines and submitted in time. It also recommends that the core document be submitted without further delay.

8. The Committee recommends that the report to be submitted contain detailed information on such specific issues identified by the Committee as: measures taken to implement article 4; measures which have been taken under articles 5 and 7; and the difficulties encountered in implementing the provisions contained in the Convention.

9. The Committee suggests that the Government of Swaziland may wish to avail itself of technical assistance provided under the advisory services and technical assistance programme of the High Commissioner/Centre for Human Rights of the United Nations.

10. The Committee suggests that account be taken of the Convention's provisions in the envisaged elaboration of a draft new Constitution of Swaziland.

11. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

12. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised during the consideration of the present report.